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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAI'I

R.P.-K., through his parent C.K.,  
R.T.D., through his parents R.D. and  
M.D., B.P., through her parent M.P.,  
and C.B., through his parent N.B., for  
themselves and on behalf of a class of  
those similarly situated, and the  
HAWAII DISABILITY RIGHTS  
CENTER, in a representative capacity  
on behalf of its clients and all others  
similarly situated,

Plaintiffs,

vs.

DEPARTMENT OF EDUCATION,

CIVIL NO. CV10 00436 KSC  
(Other Civil Action)

**PLAINTIFFS R.P.-K. AND R.T.D.'S  
MOTION FOR A TEMPORARY  
RESTRANING ORDER AND  
PRELIMINARY INJUNCTION;  
MEMORANDUM IN SUPPORT OF  
MOTION; CERTIFICATE OF WORD  
COUNT; DECLARATION OF  
JOHN P. DELLERA; EXHIBITS A-J;  
DECLARATION OF C. K.;  
EXHIBITS 1-4; DECLARATION OF  
R.D.; EXHIBITS 1-5; CERTIFICATE  
OF SERVICE**

State of Hawai‘i,

Defendant.

**PLAINTIFFS R.P.-K. AND R.T.D.’S MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs R.P.-K. and R.T.D., through their attorneys John P. Dellaera and Matthew C. Basset of the Hawai‘i Disability Rights Center and Paul Alston and Jason H. Kim of Alston Hunt Floyd & Ing, hereby move the Court pursuant to Rule 65 of the Federal Rules of Civil Procedure for: (1) a temporary restraining order prohibiting Defendant Department of Education (“DOE”) from ceasing to provide educational and related services to R.P.-K. and R.T.D. until this Court can decide whether Plaintiffs are entitled to a preliminary injunction; and (2) a preliminary injunction requiring the DOE to continue to provide educational and related services to R.P.-K. and R.T.D. until the conclusion of the instant appeal. The attached Declaration of John P. Dellaera is submitted pursuant to Local Rule 10.2(g) to explain why this motion was not filed contemporaneously with the Complaint.

If the motion for a temporary restraining order is not granted, the DOE will cease offering R.P.-K. and R.T.D. educational and related services as of **July 30, 2010.**

This motion is based upon the attached memorandum, declarations, and exhibits and upon such further evidence and argument as may be presented prior to or during a hearing on this motion.

DATED: Honolulu, Hawai‘i, July 30, 2010.

/s/ Jason H. Kim  
JOHN P. DELLERA  
MATTHEW C. BASSETT  
PAUL ALSTON  
JASON H. KIM  
Attorneys for Plaintiffs